

**DOE WEEKLY REPORT**  
**July 8, 2009**  
**Office of Hearings and Appeals**

**Decisions Issued:**

**Personnel Security (10 CFR Part 710)**

On July 2, 2009, an OHA Hearing Officer issued a decision in which she concluded that an individual's access authorization should be restored. The individual's security clearance was suspended by a local security office (LSO) after the individual reported that he had recently used marijuana. The individual also admitted that he had failed to disclose his past marijuana use when completing a security questionnaire in 2006. After conducting a hearing and evaluating the evidence, the Hearing Officer found that the individual had mitigated the security concerns raised by his falsification and conduct. The Hearing Officer found it significant that the individual voluntarily reporting his drug use, and he was convincing in attesting that he would never use marijuana again. In addition, the individual presented persuasive evidence that he had ended all association with persons who use marijuana, had voluntarily enrolled in successful counseling, and had actively changed his lifestyle to become a positive role model for his two children who he is now raising on his own. OHA Case No. TSO-0707 (Valerie Vance Adeyeye, H.O.)

**Appeal**

On July 7, 2009, OHA issued a decision denying a FOIA Appeal filed by Terry M. Apodaca (Appellant). The Appellant filed a request with the National Nuclear Security Administration Service Center (NNSA/SC) for eleven items. NNSA/SC located approximately 1,638 pages in response to one item of the request, and stated that the fee associated with the release of the documents would total \$76.90. In her Appeal, the Appellant requested NNSA/SC to create a list of the documents so that she could narrow the scope of her request. However, the FOIA does not require an agency to create documents. OHA Case No. TFA-0319